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FILED
DISTRICT COURT OF GUAM

NOV 13 2007

JEANNE G. QUINATA
Clerk of Court

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8 IN THE DISTRICT COURT OF GUAM

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 vs.

12 BRIAN ELM,

13 Defendant.

) CRIMINAL CASE NO. 07-00026
)
)
)

) **MOTION TO WITHDRAW AS**
) **COUNSEL OF RECORD;**
) **MEMORANDUM OF POINTS AND**
) **AUTHORITIES; DECLARATION OF**
) **COUNSEL**
)
_____)

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15 **MOTION**

16 Joseph C. Razzano, Esq. hereby requests this Court for permission to withdraw as counsel
17 for Defendant Brian Elm in the above-entitled matter due to a conflict of interest. This motion is
18 based on the Memorandum of Points and Authorities and Declaration of Joseph C. Razzano.

19 **MEMORANDUM OF POINTS AND AUTHORITIES**

20 Irreconcilable differences have arisen with respect to the strategy of representation in the
21 above-captioned case. On two occasions, Mr. Elm has questioned counsel's loyalty to Mr. Elm.
22 Most recently during a telephone conference on November 13, 2007, Mr. Elm stated, "If you are
23 going to force me to take a plea, why don't you just withdraw." *See* Declaration of Joseph C.

ORIGINAL

1 Razzano in support of this Motion. Counsel explained to Mr. Elm that counsel was not forcing him
2 to take the plea but simply explaining the risks of rejecting the plea. The conversation went poorly
3 to say the least. At this time, counsel believes that attorney-client relationship has deteriorated to
4 the point that Defendant may not be able to assist counsel during trial and counsel believes that the
5 interest of justice would best be served by allowing counsel to withdraw and that new counsel be
6 appointed to represent Defendant Elm in the above-referenced case.

7 Dated this 13th day of November, 2007.

8 **TEKER TORRES & TEKER, P.C.**

9
10 By


11 JOSEPH C. RAZZANO, ESQ.
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1 **CERTIFICATE OF SERVICE**

2 I, JOSEPH C. RAZZANO, hereby certify that a true and exact copy of the following:

- 3 i. Notice of Motion to Withdraw as Counsel of Record;
- 4 ii. Motion to Withdraw as Counsel of Record;
- 5 iii. Declaration of Counsel in Support; and
- 6 iv. Order Permitting Withdrawal as Counsel of Record and Appointment of New
7 Counsel.

8 was served, via hand delivery, on November 13, 2007, on Assistant U.S. Attorney, Karon V.
9 Johnson, Esq., Office of the United States Attorney, 108 Hernan Cortez Avenue, Suite 500,
10 Hagåtña, Guam 96910.

11 DATED at Hagåtña, Guam, on November 13, 2007.

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13 JOSEPH C. RAZZANO
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